

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

**CHRISTOPHER D. GRIFFITH and DAVID
SPECIALE, on behalf of themselves and all
others similarly situated,**

Case No: 12-cv-1117 (PAC)

Plaintiffs,

v.

**FORDHAM FINANCIAL MANAGEMENT,
INC. and WILLIAM BAQUET,**

Defendants.

-----X

DECLARATION OF MICHAEL D. PALMER

Michael D. Palmer, under penalty of perjury, declares under oath:

1. I am an attorney with Joseph & Kirschenbaum LLP, counsel for Plaintiffs Christopher D. Griffith and David Speciale. I make this declaration in support of Plaintiffs' Motion for Class Certification.

2. I am fully familiar with the facts set forth herein.

3. As part of collective certification discovery, Defendants produced records for over 110 stockbrokers who worked for Defendants over the last six years. (No identifying information was produced for any stockbroker other than the Plaintiffs.)

4. Defendants also produced redacted tax records for all of the Fordham stockbrokers. The compensation earned by every stockbroker was reported on W-2 forms.

5. Attached hereto as Exhibit A is a copy of Plaintiffs' proposed Notice of Pendency of Lawsuit Regarding Wages.

6. Attached hereto as Exhibit B is a copy of Plaintiffs' Complaint.

7. Attached hereto as Exhibit C is a copy of Defendant's Answer.
8. Attached hereto as Exhibit D, is a copy of the U.S. Department of Labor Opinion Letter, dated November 27, 2006 [LEXIS citation: 2006 DOLWH LEXIS 57].
9. Attached hereto as Exhibit E is a copy of a decision issued in the case *Creighton v. Oppenheimer*, No. 06-CV-4607 (BSJ) (S.D.N.Y.), dated February 25, 2008.
10. Attached hereto as Exhibit F is a copy of the U.S. Department of Labor Interpretative Bulletin No. 6, dated December 7, 1938.
11. Attached hereto as Exhibit G is a copy of the Fordham monthly commission report for Christopher Griffith for the month of December 2008.
12. Attached hereto as Exhibits H through L are excerpts from the Fordham Financial Management Employee Handbook for stockbrokers and other employees.
13. Attached hereto as Exhibit H is an excerpt from the employee handbook, titled "Prohibited Conduct."
14. Attached hereto as Exhibit I is an excerpt from the employee handbook, titled "Fingerprinting and Background Checks."
15. Attached hereto as Exhibit J is an excerpt from the employee handbook, titled "Dress Code."
16. Attached hereto as Exhibit K is an excerpt from the employee handbook, titled "Internet Usage/Instant Messaging."
17. Attached hereto as Exhibit L is an excerpt from the employee handbook, titled "Communications With The Public."

I affirm, under penalty of perjury, that the above and foregoing information is true and correct.

Dated: New York, New York
December 14, 2012

/s/ Michael D. Palmer
Michael D. Palmer